

ORDINANCE 03-2022

BOROUGH OF EATONTOWN
COUNTY OF MONMOUTH, STATE OF NEW JERSEY

AN ORDINANCE OF THE BOROUGH OF EATONTOWN AMENDING CHAPTER 7, "BOARDS, COMMISSIONS AND COMMITTEES", ARTICLE XVII "COMMUNITY GARDEN ADVISORY COMMITTEE", TO PLACE COMMUNITY GARDEN ADVISORY COMMITTEE UNDER AUSPICES AND SUPERVISION OF DEPARTMENT OF RECREATION AND COMMUNITY SERVICE, DIVISION OF RECREATION

WHEREAS, the Borough Council of the Borough of Eatontown created the Community Garden Advisory Committee dedicated to the development and planning of the Borough Community Garden;

WHEREAS, in addition to the dedication of Borough property, the Mayor and Council have authorized the expenditure of taxpayer monies to develop the Borough Community Garden;

WHEREAS, given the success of the Borough Community Garden, the Borough has spent and will continue to expend public resources to oversee and maintain the Borough Community Garden given its value to the community;

WHEREAS, the Borough Council believes it is in the best interest of the Borough and its residents to bring the Community Garden Advisory Committee under the auspices, supervision and oversight of the Division of Recreation;

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Eatontown, County of Monmouth and State of New Jersey that it hereby amends Chapter 7, Article XVII, of the Borough Code entitled "Community Garden Advisory Committee" as follows:

(additions are underlined deletions are ~~stricken~~):

§ 7-102 Committee established.

There is hereby created an advisory committee which shall be known as the "Community Garden Advisory Committee." The Department of Recreation and Community Service, Division of Recreation, shall be responsible for the supervision and oversight of the Community Garden Advisory Committee and the Community Garden.

§ 7-103 Membership.

- A. The Community Garden Advisory Committee shall consist of five regular voting members; all members shall be residents of the Borough of Eatontown, one of whom shall be a member of the Borough of Eatontown Green Team or the Environmental Commission; ~~one member shall be a Council person selected by the Council;~~ two ~~three~~ members shall be gardeners who actively maintain plots at the Community Garden; and one member shall be a member of the Recreation Advisory Committee. All members ~~except the Council member~~ shall be appointed by the Mayor, with the advice and consent of the Borough Council. The governing body shall select a Chairperson on an annual basis and that Chairperson shall serve a one-year term.
- B. Two members shall serve an initial term of two years and two members shall serve an initial term of three years. ~~The Council person shall serve a one-year term and shall be selected by the Council on an annual basis.~~
- C. Thereafter all ~~non-Council~~ members shall serve for a term of three years. Any vacancy in membership shall be filled in the same manner as the original appointment.

§ 7-104 Election of officers; organization.

- A. Following the adoption of this article, the Community Garden Advisory Committee shall meet to organize and shall appoint a Secretary. The Secretary shall serve one-year terms.
- B. The Chairperson shall set the meeting schedule after conferring with the members, establish an agenda for each meeting, and conduct the meetings in an orderly and timely fashion.
- C. The Secretary shall be responsible for maintaining correspondence, memoranda and preparing written minutes of all Committee meetings.
- D. The Committee shall meet annually to reorganize and determine when it shall meet and how often, however, the committee shall meet at least four times per year.

§ 7-105 Duties and responsibilities.

- A. The Committees shall make recommendations to the Director of Recreation ~~shall be responsible~~ for the general operation and planning of the Community Garden and any related Borough property assigned by the Borough Council pursuant to the rules, regulations and procedures approved by the Director of Recreation and the Borough Council.
- B. The Committee shall prepare and present to the Director of Recreation ~~Borough Council~~, for approval, rules, regulations and procedures governing the development, implementation, use and maintenance of the Community Garden and any related Borough property by members of the public, including but not limited to the size of plots, access, environmental management practices, and any other requirements necessary and appropriate for the operation of the Community Garden.
- C. The Committee shall also keep track of all plot assignments, maintain a waiting list for plots, and accept applications subject to the review and approval of the Director of Recreation.
- D. The Committee shall ensure the proper maintenance and appearance of the Community Garden by advising the Recreation Director ~~Borough Administrator~~ of required maintenance activities and will promote and educate residents on the benefits of gardening and Community Gardens.

§ 7-106 Quorum; powers limited.

- A. A majority of members shall constitute a quorum.
- ~~B. The Committee shall have no authority to spend municipal funds, enter into contracts on behalf of the municipality or in any way obligate the municipality legally or financially. The Committee may make recommendations to the Borough Recreation Director Administrator who under his/her authority may act on such recommendations when it is determined that such actions are in the best interest of the Borough, subject to Council approval, where appropriate and necessary.~~
- B.C. The Committee is prohibited from exercising any power or condemnation, from pledging the credit of the municipality, and from creating any debt against the municipality.

§ 7-107 Conflicts of interest.

- A. Disclosure of interest. No Committee member shall have or shall acquire any interest, direct or indirect, personal or financial, in any project which the Committee is promoting or in any contract or proposed contract for materials or services or in any lease, mortgage, sale or contract of any nature whatsoever relating to any such project or to the Committee without forthwith making written disclosure to the Committee of the nature and extent of the interest. Such disclosure shall be entered, in writing, upon the minutes of the Committee meeting.
- B. Voting. No Committee member having an interest as described in this section shall vote on matters directly relating to such interest.

§ 7-108 Budget Allocation.

- A. Allocation of budget for purposes of the Committee shall be that provided or supplemented by the Borough Council through its Borough budget.

BE IT FURTHER ORDAINED, that:

- A. All other Ordinances or provisions of the Code of the Borough of Eatontown or parts thereof, which are inconsistent with any provisions in this Ordinance, are hereby repealed to the extent of such conflict or inconsistency.
- B. If any provision or portion of this Chapter is held to be unconstitutional, preempted by Federal or State Law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.
- C. This Ordinance shall take effect upon its passage and publication as required by law.

DATE INTRODUCED: February 9, 2022
PUBLIC ADOPTED: February 23, 2022

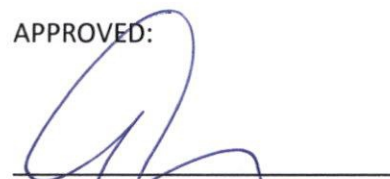
ATTEST :

APPROVED:



Julie Martin, Municipal Clerk

Date: 2/24/2022



Anthony Talerico, Jr., Mayor

2/24/2022